



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MM4170624

THOMAS J TIGHE
6265 GREENWICH DRIVE
SUITE 250
SAN DIEGO CA 92122

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/004,485	01/08/98	002	NOLAND, T	2856 06/24/98
First Named Applicant	VORIES, DENNIS L.			

TITLE OF INVENTION LEAP FROGGING HYDROSTATIC ALTIMETER WITH "CARRY" FUNCTION
(AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
3 3193-PA05		073-865.200	F87	UTILITY	NO \$1320.00	09/24/98

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or
B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEARCHED *10/1/98* SERIAL NUMBER 03/004,485 FILING DATE 01/27/98 VORIES FIRST NAMED APPLICANT D1 ATTORNEY/FAIRFIELD NO.

MM41/0624

EXAMINER *NOLAND*

THOMAS J TIGHE
6265 GREENWICH DRIVE
SUITE 250
SAN DIEGO CA 92122

ARTS UNIT PAPER NUMBER

06/24/98 *3K*

DATE MAILED:

NOTICE OF ALLOWABILITY

PART I

- This communication is responsive to *the application filed Jan. 8, 1998*.
- All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- The allowed claims are *1-2*.
- The drawings filed on *Jan. 8, 1998* are acceptable.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [...] been received. [...] not been received. [...] been filed in parent application Serial No. _____, filed on _____.
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTO-413.
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____, CORRECTION IS REQUIRED.
 - The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTO-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

Art Unit: 2856

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration in a continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 601.01(a).

The declaration as filed appears to be a copy of the declaration filed in the grandparent application and thus does not identify the specification of this application. The parent application herein was apparently a CIP of the grandparent and should be identified as such in the declaration. (Note the declaration incorrectly implies that there were no continuing applications.)

2. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth above. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "NOTICE OF ALLOWABILITY" (PTOL-37 or PTO-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or

Art Unit: 2856

oath) should indicate the following in the upper right hand corner: Issue Batch Number, date of the "Notice of Allowance" (PTOL-85), and application number.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The title has been made more informative by being replaced with --- Leap Frogging Hydrostatic Altimeter with Carry Function ---.

4. Yamamoto, not prior art, discloses the use of a carry function. Vories 5,517,869, not prior art, does not claim a hydrostatic altimeter with leap frogging means as herein. The other references cited in the parent application have also been considered.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson, Marathe and Bleckmann show the use of carry functions or leap frogging in numerical registers but not in hydrostatic altimeters or in any sort of distance measuring system. The other references show hydrostatic altimeters or distance measuring systems but do not show a means for accumulating numerical values while leap frogging in combination with other elements as set forth in claim 1 herein.

6. Claims 1-2 have been allowed.

7. The following is an examiner's statement of reasons for allowance: none of the prior art of record showed or would have made obvious a hydrostatic altimeter comprising a means for

Art Unit: 2856

accumulating numerical values while leapfrogging a base member and a measurement member over a selected path in combination with other elements as set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (703) 305-4765.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

tpn
June 17, 1998

**Thomas P. Noland
Primary Examiner
Art Unit 2856**

